



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE MAY 20, 2020 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 20, 2020, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present (in person):

Captain Don Bischoff, Jail Commander, Mohave County Sheriff's Office
Chief Tom Kelly, Apache Junction Police Department
Chief Alan Rodbell, Scottsdale Police Department
Colonel Heston Silbert, AZ Department of Public Safety

Members Present (via online video/telephone conferencing):

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sheriff Mark Dannels, Cochise County Sheriff's Office
Ms. Jamie Kelly, Public Member
Mr. Andrew LeFevre, Faculty Member, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Director David Shinn, AZ Department of Corrections
Ms. Leesa B. Weisz, Public Member

Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Deputy Christopher Pittmann, Maricopa County Sheriff's Office

Staff in Attendance (in person):

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Dan Ciernia, Digital Media Supervisor
Mike Deltenre, Compliance Specialist
Marie Dryer, Compliance Program Administrator
Arlene Heckel, Compliance Specialist
Kip Rustenburg, Training Program Administrator
Sandy Sierra, Executive Assistant
David Toporek, Compliance Specialist
Dale Wyman, Digital Media Specialist

Staff in Attendance (via online video conferencing):

Amanda Faust, Compliance Specialist

Steve Jacobs, Compliance Specialist David Toporek, Compliance Specialist

Assistant Attorneys General (in person):

Mark Brachtl

Jeanne Galvin

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:00 a.m. and asked Colonel Silbert to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- 11 Board members are present today, four are here in person and seven are participating via telephone/video conferencing. Chairman Mascher and Deputy Pittman are absent.
- Cody J. Delafuente 19-036 has requested that his name be removed from the Consent Agenda. He previously requested to voluntarily relinquish his peace officer certification, but has changed his mind.
- Final Action Case #7 - Benjamin J. Huddleston 19-146 will be tabled.
- Charging Cases #2 Matthew Salyers #19-220 and #6 – Pedro J. Aguila-Muniz 19-110 will also be tabled.
- Assistant Attorney General Jeanne Galvin will provide legal advice to the Board on the first six final action cases – Gabriel Guerrero 18-067; William M. Abbiatti 19-186; Elena G. Carrillo 19-212; Logan T. Clonts 19-221; Shawn D. Haralson 19-021 and Leslie D. Warren 19-185.

C. Executive Director's Report

Matt Giordano, Executive Director

- We lost our appropriated funding going into fiscal year 20/21; the legislature removed one-time appropriated funding from the budget. Due to this, our budget will be down approximately 1.2 million dollars. We have instituted salary and cost savings and we also have carry-over funds we can use; this should allow us to be able to keep the status quo. We are closely tracking CJEF funds, surprisingly the funding for April exceeded our expectations. We do anticipate a decline in CJEF funding for the next few months.
- With the Governor reopening the State on May 15, we have slowly started bringing back staff effective Monday, May 18. For the past two months a few of us have been here mostly every day, but the majority of staff has been teleworking. Beginning this week we are bringing staff back 50% of the week. Those working four tens will work two days at home and two days in the office. Those working five eights will work two days at home and three days in the office. We are also staggering schedules to minimize the number of people in the office on a daily basis. As things progress and we get direction from the State, we will look to bring everyone back to a normal work schedule in either June or July. We also want to bring the Board back, in person, for the June meeting. We are looking at

adding a plexiglass partition at the Board dais and will have a contractor give us an estimate on what the cost for this would be.

- The Attorney General’s Office advertised to fill the vacant assistant attorney general position at AZPOST. We are hoping to interview candidates in the next couple of weeks and hope to have someone on-board sometime in June. This position will take on the bulk of the cases that go before an Administrative Law Judge, so we hope to fill this position soon.
- We canceled the Advanced Leadership Training that was scheduled to begin in May. We prefer to have a local vendor provide this training and we are currently working with two local vendors and have asked them to provide proposals on how this training will look. We would like to bring this training back prior to the end of this fiscal year and hopefully get it completed by the end of the calendar year.
- AACOP will be hosting the annual Summit in Flagstaff in July. AZPOST provides a four hour block of training every year during the Summit. This year Dr. Kimberly Miller will be presenting a 4-hour block of training titled Becoming Extraordinary – Ways to Elevate Your Leadership and Inspire Those You Lead. This training will be held on Thursday, July 16. This will be quality training for the participants that attend.
- Last month we went over potential rules changes regarding pre-employment drug use. Next month we will ask the Board to allow us to make further rule changes as a result of feedback from staff and other users from around the State. Once we receive the Board’s permission and direction on these proposed changes, we can move forward with the process. Our consultant and staff have been reviewing and working very hard on these proposed changes and are currently reviewing the final draft before we present this to the Board in June. It will be the end of the year before these changes are approved by GRRC (Governor’s Regulatory Review Council) and the rules would go into effect a few months after GRRC’s approval.

Acting Chairman Rodbell commented that we have been waiting a long time to proceed with these rule changes and is really looking forward to this happening.

Mr. LeFevre commented that he received an update from the courts that for the month of March court filings were down approximately 21% and for April that number is over 65%. He agrees that we will see declined CJEF revenue in the coming months. They are monitoring this closely as well.

D. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda, as amended. The motion was seconded by Chief Kelly and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on April 15, 2020.

2. Certification Waivers:

Kelsea M. Belcher	Phoenix Police Department
Joseph D. Olivares	Pinal County Sheriff's Office
Monaj P. Nair	Scottsdale Police Department
Tyler J. Caley	Yuma Police Department
Victor S. DiGiovine	Winslow Police Department
Jonathon C. Kinsel	Buckeye Police Department
James C. Ainsworth	Phoenix Police Department

3. Consent Agreements for Voluntary Relinquishment of Peace Officer Certification. The following individuals, without admitting to any misconduct, requests the Board accept their request to permanently relinquish their Arizona peace officer certification:

Candi L. Conley	19-133	Quartzsite Police Department
Daniel M. Glover	19-187	Mesa Police Department
Nathan A. Loescher	20-067	Glendale Police Department

E. Final Action Cases:1. 18-067 – Gabriel R. Guerrero – Globe Police Department

Mr. Ahler (AAG) recused himself from this case. The Board heard oral argument on the Administrative Law Judge (ALJ) Decision from Assistant Attorney General Mark Brachtl.

Colonel Silbert made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and take no further action on this case. The motion was seconded by Sheriff Dannels and passed unanimously.

2. 19-186 – William M. Abbiatti – Mesa Police Department

Chief Rodbell recused himself from this case. Chief Kelly was acting Chairman. The Board considered comments from Assistant Attorney General Mark Brachtl, who provided a brief overview of the case and the terms of the proposed Consent Agreement.

Colonel Silbert made a motion to accept the proposed Consent Agreement, Decision and Order for a 60-hour suspension of Mr. Abbiatti's peace officer certification. The suspension shall be in effect from March 18, 2019 through March 28, 2019. The motion was seconded by Captain Bischoff and passed unanimously.

3. 19-212 – Elena G. Carrillo – Yuma Police Department

The Board considered comments from Assistant Attorney General Mark Brachtl, who provided a brief overview of the case and the terms of the proposed Consent Agreement.

Sheriff Dannels made a motion to accept the proposed Consent Agreement, Decision and Order for a 6-month suspension of Ms. Carrillo's peace officer certification. The suspension shall be in effect from November 18, 2019 through May 18, 2020. The motion was seconded by Colonel Silbert and passed unanimously.

4. 19-221 – Logan T. Clonts – Greenlee County Sheriff’s Office

The Board received independent legal advice from Assistant Attorney General Jeanne Galvin.

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the case and the terms of the proposed Consent Agreement. Mr. Clonts also addressed the Board.

Some Board members expressed concern about this case; they felt this is a matter that should be handled at the agency level and at the discretion of the agency head. Since Mr. Clonts was truthful throughout the process and stated he was not aware he was violating agency policy, the Board would prefer this matter be handled by the agency.

Sheriff Dannels made a motion to reject the proposed Consent Agreement, Decision and Order which called for a 3-month suspension of Mr. Clonts’ peace officer certification, and to close this case with no action. The motion was seconded by Ms. Weisz and passed unanimously.

5. 19-021 - Shawn D. Haralson – Graham County Sheriff’s Office

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the case and the terms of the proposed Consent Agreement.

Mr. Ahler (AAG) made a motion to accept the proposed Consent Agreement, Decision and Order for an 18-month suspension of Mr. Haralson’s peace officer certification. The suspension shall be in effect from December 21, 2018 through June 22, 2020. The motion was seconded by Captain Bischoff and passed unanimously.

6. 19-185 – Leslie D. Warren – Pinetop-Lakeside Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the case and the terms of the proposed Consent Agreement.

Captain Bischoff made a motion to accept the proposed Consent Agreement, Decision and Order for a 2-year suspension of Mr. Warren’s peace officer certification. The suspension shall be in effect from July 1, 2019 through July 1, 2021. The motion was seconded by Chief Kelly and passed unanimously.

7. 19-146 – Benjamin J. Huddleston – AZ Department of Public Safety

This case was tabled.

8. 19-222 – George B. Mann – Mesa Police Department

The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Mann. The motion was seconded by Captain Bischoff and passed unanimously.

9. 19-196 – Ryan D. Fuller – Pima County Sheriff’s Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Fuller’s peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.

10. 19-211 – Aaron S. Goodrich – Yuma Police Department

The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Colonel Silbert made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Goodrich’s peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.

F. New Charging Cases:1. 19-214 – Elijah J. Defassio – Coconino County Sheriff’s Office

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Sheriff Dannels made a motion to Initiate Proceedings against Mr. Defassio’s peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

2. 19-220 – Matthew S. Salyers – Glendale Police Department

This case was tabled.

3. 19-231 – Clinton D. Swick – Phoenix Police Department

Colonel Silbert recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Kelly made a motion to Initiate Proceedings against Mr. Swick’s peace officer certification. The motion was seconded by Captain Bischoff and passed with one nay vote recorded for Mr. LeFevre.

4. 19-092 – Michael A. Fairburn – Gila River Police Department

The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings against Mr. Fairburn’s peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.

5. 20-047 – Donovan J. Rooks – Greenlee County Sheriff’s Office

Colonel Silbert recused himself from this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Ms. Weisz made a motion to close this case with no action. The motion was seconded by Chief Kelly and passed unanimously.

6. 19-110 – Pedro J. Aguila-Muniz – AZ Department of Public Safety

This case was tabled.

G. Future Agenda Items

There are no new items to add.

H. Adjournment

The meeting was adjourned at 11:18 a.m.